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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,606	02/27/2007	Ingo Meirick	4147-144	9780
23117 7590 06/22/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
PATEL, MAHENDRA R				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
06/22/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/571,606

**Applicant(s)**

MEIRICK ET AL.

**Examiner**

MAHENDRA PATEL

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of the Claims*

1. This communication is in response to the Pre-Brief Conf. Request file on 04/18/2011.  
Application No: 10/571606.  
Claims 1-29 are pending.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9: Claim contains “system for managing data buffer **according to Claim 5**” does not specifically include what part of claim 5 is included. “System for managing...” is very broad statement without claiming exact invention, this makes claim indefinite. For examination purpose, all part of the claim 5 is included in the claim 9.

Claim 1, 5 and 9, “... **discarding said identified complete packet from said buffer**” does not explain what will happen to the current consecutive data **segments** and next consecutive data **segments** if the current data packet is discarded as both current and next consecutive segments are used to build the packets (I.e. **building data packet is related to the current and next data segment, if you discard a data packet, how this relationship (association) will be treated**).

Claim 1, 5 and 9: one of ordinary skill in the art will not be able to determine whether or not the **identified complete data packet** (which is to be discarded) is related to "a size of a data packet segment" and a next consecutive data packet segment. In other words, is it the difference or the sum of the two or independent of both?

Claim 1, 5 and 9: the limitation, namely, "... identifying a **completed data packet**..." Does not clearly disclose what will happen if an apparatus is unable to complete data packet (i.e. **partially build packet**) within a predetermined time period.

Claim 2, 3, 6 and 7: limitation, namely, "... segment **identifier**" does not clarify "identifier" (i.e. identifier is a sequence number, a pointer or a counter or something else).

Claim 10 and 20: A data segment **size** is not clearly defined (i.e. fix or variable size). Also there is no association of **data packet number** with the data buffer (i.e. how completed data packet is identified without a packet number). Appropriate correction is required.

### ***Response to Amendment***

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Allowable Subject Matter***

4. Claims 1-29 are allowed provided 112 (second paragraph) Rejections are satisfy.

***Response to Arguments***

5. Applicant's arguments filed on 04/18/2011 with respect to the claims 1-29 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

**Prior Art Record**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Dowd; Patrick W. et al. (US 7073196 B1) - Firewall for processing a connectionless network packet.

b) Takagi, Masahiro (US 20010036154 A1) - Communication device and communication control method using lower layer data transmission order control at upper layer.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahendra Patel whose telephone number is 571-270-7499. The examiner can normally be reached on 9:30 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MAHENDRA PATEL/  
Examiner, Art Unit 2617

/Meless N Zewdu/  
Primary Examiner, Art Unit 2617